

DANIEL J. BRODERICK, #89424  
Federal Defender  
DAVID M. PORTER, Bar #127024  
Assistant Federal Defender  
801 I Street, 3rd Floor  
Sacramento, California 95814  
Telephone: (916) 498-5700

Seeking Appointment as Attorney for Defendant  
THEODORE R. STOVALL

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. S 05-53 DLJ
	)	
Plaintiff,	)	<b>REQUEST FOR APPOINTMENT OF</b>
	)	<b>COUNSEL; ORDER</b>
v.	)	
	)	<b><u>RETROACTIVE CRACK COCAINE</u></b>
THEODORE R. STOVALL,	)	<b><u>REDUCTION CASE</u></b>
	)	Date: May 6, 2008
Defendant.	)	Time: 10:00 a.m.
	)	Judge: Hon. D. Lowell Jensen
_____	)	

Pursuant to 18 U.S.C. §§ 3006A(c) and 3582(c)(2), Defendant, THEODORE R. STOVALL, hereby requests the court appoint the Office of the Federal Defender and Assistant Federal Defender David M. Porter as counsel to represent him with respect to his motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2), filed April 2, 2008. Mr. Porter is familiar with the case and is willing to accept the appointment.\*

Appointment of counsel would serve the interests of justice in this case because it might facilitate a negotiated disposition of the motion and because the motion might raise novel legal issues surrounding application of the United States Sentencing Commission's

\_\_\_\_\_  
\* Mr. Stovall has authorized the undersigned to file this application on his behalf.

1 recent retroactive reduction of sentences under the crack cocaine  
2 guidelines. Because Mr. Stovall's substantial rights may be affected  
3 by these criminal proceedings, he is constitutionally entitled to  
4 appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134 (1967).

5 Mr. Stovall's completed financial affidavit is attached hereto.

6 Accordingly, Mr. Stovall requests the Court issue the order lodged  
7 herewith.

8 Dated: April 2, 2008

9 Respectfully submitted,

10 DANIEL J. BRODERICK  
11 Federal Defender

12 /s/ David M. Porter  
13 DAVID M. PORTER  
14 Assistant Federal Defender

15 Seeking Appointment as Attorney for Movant  
16 THEODORE R. STOVALL

17 **O R D E R**

18 Pursuant to defendant's request, and good cause appearing  
19 therefor, the Office of the Federal Defender and Assistant Federal  
20 David M. Porter is hereby appointed to represent defendant with respect  
21 to his motion to reduce sentence.

22 DATED: April 3, 2008

23   
HONORABLE D. LOWELL JENSEN  
United States District Judge